

IV. REMARKS

The Examiner's time and helpful comments during the interview of September 28, 2005 are acknowledged with appreciation.

Status of the Claims

Claims 1, 2, 11-14, 19, 24, 25, 27-30, 34, 36-38, 40, 41, and 44 are amended. Claims 1-3, 6-15, 17-20, 23-31, 33-41, and 44 are presented for further consideration.

Summary of the Office Action

Claims 1-3, 6-15, 17-20, 23-31, 33-41, and 44 stand finally rejected under 35USC102(e) on the basis of the cited reference Stephens, U.S. Patent No. 5,331,989. Claims 4-5, 16, 21-22, 32, and 42-43 stand rejected under 35USC103(a) based on the cited reference Stephens. The Examiner is respectfully requested to reconsider her rejection in view of the above amendments and the following remarks.

Applicant has amended claims 1 and 34 to indicate that the convex portion of the seat faces the arm as opposed to the portion of the cuff of Stephens. In addition it should be noted that the words "forward to rearward" also serve to distinguish this feature.

Applicant has also amended claims 2, 11-14, 19, 24, 25, 27-30, 36-38, 40, 41, and 44 to provide proper antecedent basis and to resolve other objections. The Examiner is advised that elements recited in the preamble of a claim may properly provide antecedent basis. The objections to claim 33 are, therefore,

mistaken.

Interview Summary

The Examiner relies on the reference Stephens to support the rejection based on anticipation and as support for the rejection based on obviousness as well. In the final rejection, the Examiner continued to assert that a helical member was shown in the figures of Stephens. At the request of Applicant's attorney, the Examiner again reviewed the disclosure of the cited reference Stephens, in particular figure 5, and during the recent interview concurred that the a helical member was indeed absent.

The Examiner, however, was not prepared to indicate that the revised assessment of Stephens rendered all of the claims allowable, but indicated that it may be appropriate to give further consideration to the disclosure of the reference Zwick. At this point the reference Zwick has not been formally applied to the claims, but was discussed at the prior interview and again during the recent telephone interview and was the subject of remarks in Applicant's response. The Examiner's attention is directed to the distinguishing features of the device of Zwick described by Applicant in the prior response.

The telephone interview was concluded by the Examiner's agreement that, upon the receipt of Applicant's response, she would issue a new, non-final office action, applying the reference Zwick, if warranted.

Accordingly, favorable reconsideration and allowance is respectfully requested. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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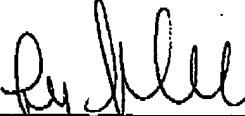
19 October 2005

Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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